

REMARKS

Interview

Applicants appreciate the Examiner's time and assistance in the interview on March 16, 2010.

Applicants have the following response to the pending rejections.

Claim Rejections - 35 USC §103

Claims 1, 4-6, 7, 13-15, 19 and 20-23

In the Final Rejection, the Examiner rejects Claims 1, 4-6, 7, 13-15, 19 and 20-23 under 35 USC §103(a) as being unpatentable over Forrest et al. (US 5,703,436) in view of Liao et al. (US 6,717,358). This rejection is respectfully traversed.

In the Final Rejection, the Examiner based the rejection on Fig. 2C in Forrest. In Response (E) to the Final Rejection (filed February 18, 2010), Applicants explained why the present application is patentable over Fig. 2C in Forrest. The Examiner agreed in the Advisory Action of March 1, 2010 that the claimed invention is not read on Fig. 2C in Forrest. However, in the Advisory Action, the Examiner now is relying upon Fig. 2A in Forrest, as explained below. This rejection is also respectfully traversed.

In the rejection in the Advisory Action, the Examiner contends that Forrest in Fig. 2A teaches all of the features of the pending claims except for the materials in the electron-transporting material (ETL) and the hole-transporting material (HTL) as follows:

- “an anode (35);
- a first layer formed over the anode and containing a light-emitting material (20E);
- a second layer formed over the first layer and containing an organic compound and an electron-supplying material (20T);

a third layer formed over and being in contact with the second layer, the third layer including a transparent conductive film (26);

a fourth layer formed over and being in contact with the third layer and containing a hole-transporting medium (*unlabeled layer below 21E*); and

a cathode formed over and being in contact with the fourth layer, the cathode containing a metal (26 – *connected to terminal 42*).”

Applicants respectfully disagree.

While Applicants disagree with and traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claims 1, 21, and 22 to recite “a cathode formed over and being in direct contact with the fourth layer.” Applicants note that this is already a feature of independent Claim 20.

In contrast, as the Examiner agreed in the interview, the alleged fourth layer in Fig. 2A in Forrest (*unlabeled layer below 21E*) and the alleged cathode (26 – *connected to terminal 42*) are not in direct contact. Hence, Forrest does not disclose or suggest this claimed feature.

Liao also does not disclose or suggest this claimed feature. Therefore, even if it were proper to combine Forrest and Liao (which Applicants do not admit), the combination still would not teach all of the claimed elements.

Therefore, independent Claims 1 and 20-22 are not disclosed or suggested by the cited references, and Claims 1, 20-22 and those claims dependent thereon are patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 16-18 and 24-26

The Examiner also rejects Claims 16-18 and 24-26 under 35 U.S.C. §103(a) as being unpatentable over Forrest and Liao in view of Kido et al. (US 2003/0189401). This rejection is also respectfully traversed.

These claims are dependent claims. Therefore, for at least the reasons discussed above for the independent claims, these claims are also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Double Patenting

The Examiner also rejects Claims 1, 4-7, 13-17, 18-19 and 20-26 provisionally on the grounds of non statutory obviousness-type double patenting as being unpatentable over Claims 15-31 of copending application no. 10/575,202 (or US 2007/0090376). This rejection is also respectfully traversed.

While Applicants traverse this rejection, it is respectfully requested that this rejection be held in abeyance until the prior art rejections are overcome and the claims are in their final form.

New Claims

Applicants are also adding new dependent Claim 27. This claim is supported by, for example, paragraph [0033] in the printed publication of the present application. As this is a dependent claim, it is allowable for at least the reasons discussed above for the independent claims. Accordingly, as a RCE is being filed herewith, it is respectfully requested that this new claim be entered and allowed.

If any fee should be due for this new claim, please charge our deposit account 50/1039.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any further fee should be due for this amendment, the RCE, the extension of time, and/or the new claim, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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